

US EPA ARCHIVE DOCUMENT

***U.S. DEPARTMENT OF ENERGY
ENVIRONMENTAL JUSTICE STRATEGY*
EXECUTIVE ORDER 12898***



***This document does not reflect comments from Department of Energy stakeholders, based on concerns from a majority of them about the short time frame for review. Since this is a living document, we will incorporate our stakeholders' comments as appropriate, after we receive and review them. The Department of Energy regards the concerns and opinions of our stakeholders as crucial to completing our final environmental justice strategy.**

**EXECUTIVE ORDER 12898
U.S. DEPARTMENT OF ENERGY
ENVIRONMENTAL JUSTICE STRATEGY**

On April 14, 1994, Secretary of Energy Hazel R. O'Leary communicated to all Department of Energy personnel her view that the implementation of Executive Order 12898 provides a unique opportunity to involve all Departmental components and our stakeholders in specific actions needed to achieve our environmental justice objective. The Secretary designated a Secretarial Officer to Champion the Department's Environmental Justice efforts and instructed all Departmental personnel, including senior managers, to provide their support to accomplish "this very important endeavor at the Department."

VISION STATEMENT

As indicated in the April 1994 Strategic Plan for the Department of Energy, leadership in science and technology, coupled with the incorporation of environmental justice options into our management infrastructure, will establish us as a world leader in environmental technology development and application. This will enhance the Department's role as a key contributor in the Nation's effort to develop and apply sustainable, clean, and economically competitive energy technologies in order to improve the quality of life for all and facilitate environmental justice for our communities, both nationwide and globally. Regarding environmental justice, the Department of Energy will function in a leadership role by:

- ♦ Heightening the Department's sensitivity to identifying and addressing disproportionately high and adverse human health and environmental effects of our programs, policies, and activities on minority communities and low-income communities;
- ♦ Protecting human health and restoring the quality of the environment and level of safety for our workers and our communities;

- ◆ Ensuring full compliance with existing environmental, health, and safety laws, regulations, and statutes;
- ◆ Enhancing procedures to detect and mitigate potential disproportionately high and adverse human health or environmental effects of our planned programs, policies, and activities and to promote non-discrimination among various population segments;
- ◆ Focusing on a "Partnership in Participation Approach" with our stakeholders including the general public, affected communities, Federal, Tribal, State, and local governments in the early stages of planning and implementing environmental justice procedures.

GOAL 1

IDENTIFY AND ADDRESS PROGRAMS, POLICIES, AND ACTIVITIES OF THE DEPARTMENT THAT MAY HAVE DISPROPORTIONATELY HIGH AND ADVERSE HUMAN HEALTH OR ENVIRONMENTAL EFFECTS ON MINORITY POPULATIONS AND LOW-INCOME POPULATIONS.

DEPARTMENT-WIDE STRATEGIES

- ◆ **Use the Department's decisionmaking infrastructure for environmental justice to ensure effective implementation of the provisions of the Executive Order, establish a high degree of program integration, and facilitate effective participation by all Departmental Headquarters and Field Operations elements as we address the concerns of our stakeholders.**
 - ▶ **Continue the operations of (a) the Environmental Justice Steering Committee comprised of four Secretarial Offices, (b) the Office of the Executive Director for Environmental Justice, and (c) the Department's Working Group on Environmental Justice comprised of representatives from all Departmental Headquarters' components and Field Operations.**
 - ▶ **Identify a senior level environmental justice point of contact for each Departmental and Field Operations component,**
 - ▶ **Provide regular briefings on environmental justice activities by the Steering Committee to the Secretary of Energy and senior Secretarial Officers and staff.**
- ◆ **Develop criteria for identifying any programs, policies, planning and public participation processes, enforcement, and rulemakings related to human health or the environment which may need to be revised to fully comply with the purpose of the Executive Order.**

- ◆ Evaluate Departmental programs, policies, and activities to identify those that may have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations.
 - ▶ Identify relevant operational procedures, processes, and activities which should be evaluated for all Departmental components.
- ◆ Develop and issue guidance for appropriate analyses to establish consistency in the analytical approach of Departmental components for evaluating the impacts of their operations.
 - ▶ Analyze appropriate demographic data to determine the distribution of impacts of the individual operational elements on the affected communities.
 - ▶ Draft guidelines on possible means to avoid or mitigate adverse health, environmental and safety impacts and discuss details with affected stakeholders .
 - ▶ Create and implement an effective mechanism to facilitate stakeholder involvement in the Department's identification and analysis of environmental justice-related issues regarding relevant Departmental operations.

- ◆ Establish an environmental justice clearinghouse to:
 - ▶ Develop and maintain a database of information on Departmental programs and activities which implement specific environmental justice goals, and provides access and input capability to appropriate Departmental components.
 - ▶ Produce and distribute information relating to environmental justice issues, including guidance from various Departmental components, fact sheets, newsletters, information briefs and other relevant materials, to our internal and external stakeholders for their review and constructive input.
- ◆ Distribute information on Department-wide and program-specific environmental justice initiatives through existing vehicles such as, but not limited to, the Office of Environmental Management's Roadshow, the Center for Environmental Management Information, the Department's Center for Environmental Justice Information, national Hispanic, Black, and Native American organizations; and other national organizations which represent ethnic groups and grass-roots community-based organizations.
 - ▶ Develop effective methods of disseminating the Department's programmatic information among constituents.
 - ▶ Develop and distribute key documents in non-technical, easily understood language, utilizing easily accessible communications media.
 - ▶ When feasible and appropriate, distribute translations of key documents to increase the availability of specific environmental justice-related information in languages other than English to relevant communities.

- ◆ **Integrate environmental justice options into the long-term management plans of the Department's Material In Inventory Program (for materials for which there is no identifiable future need) and establish procedures to determine the potential for imminent health and safety problems.**
- ◆ **Identify minority and low-income populations and communities which could be impacted by potential increases in environmental impacts attributable to Departmental operations.**
- ◆ **Develop methods to identify and quantify waste releases or emissions from project sites and the related impacts to surrounding communities, including low-income and minority populations.**
 - ▶ **Continue to develop and comply with cost-effective waste reduction plans for all activities.**
 - ▶ **Utilize and demonstrate environmentally sound technologies and environmentally compatible materials in the planning, construction, operation, and maintenance of Departmental activities and facilities and any associated industrial processes.**
- ◆ **Develop a workshop prototype for environmental justice issues to be used for training senior management, document preparers, staff, and public participation facilitators. Create a videotape to help bring awareness of the issue of environmental justice to Department-wide elements and operations, including contractor operations.**
- ◆ **As appropriate in the National Environmental Policy Act (NEPA) process, identify mitigation options for any disproportionately high and adverse human health or environmental effects with local communities. Include minority and low-income community liaisons in mitigation action plan development.**

- ▶ Delegate lead responsibility to Departmental Field Operations for establishing effective communications and implementing the process of discussing and establishing alternative mitigation options with local stakeholders.
- ◆ **Disseminate and utilize within the Department, information from Census Bureau data and other national data and technological aids such as Geographic Information Systems, to identify minority and low income communities potentially affected by Departmental activities, so that our Field Operations can work more effectively with our stakeholders to identify impacted communities and discuss with them environmental and health-related issues.**
- ◆ **Institutionalize the Pollution Prevention Ethic In Appropriate Environmental Justice Activities of All Departmental Operations.**
 - ▶ Require education and training programs in pollution prevention for work force personnel in Departmental Headquarters and Field Operations and our Management and Operating Contractors.
 - ▶ Establish multi-media outreach and awareness programs and partnerships with stakeholders and industry to promote pollution prevention, improved local community emergency planning, and emergency response capabilities.
 - ▶ Promote reductions in the generation of hazardous wastes, the use of hazardous substances, and a significant reduction in toxic emissions at all Departmental facilities and operations.
 - ▶ Ensure compliance with applicable provisions of Executive Order 12856, regarding Federal Compliance with Right-to-Know Law and Pollution Prevention Requirements by all Departmental Operations.

EXAMPLES OF STRATEGIES

- ◆ The Office of Environmental Management (EM) should specifically address its programs, policies, and activities to ensure appropriate integration of effective environmental justice principles, such as stakeholder participation in the Technology Development Focus Program areas.
- ◆ Enhance the Office of Energy Efficiency and Renewable Energy efforts by maintaining active participation in environmental justice activities and continuing discussions about incorporating equity considerations into the Department's Quality Metrics, which will establish program benefit estimation efforts through increased use of equity principles in decisionmaking and for understanding market forces and incentives.
- ◆ Incorporate, where appropriate, environmental justice principles and initiatives in Departmental guidance, directives, orders, policies, and standards. Examples include, but are not limited to:
 - ▶ DOE Order 5400.1 (General Environmental Protection);
 - ▶ Policies, standards, and guidance for worker and public health protection from unwarranted exposure to radiation;
 - ▶ Policies and guidance for environmental protection;
 - ▶ Policies, orders, and standards for protection of Departmental and contractor personnel from exposure to occupational and injury illness; including transient workers and sub-contractors.
 - ▶ DOE Order 1600.6A (Prohibiting discrimination by recipients of Departmental assistance).
 - ▶ DOE Order 4700.1 (Project Management System).

- ◆ Seek effective means of establishing dialogue with minority and low-income populations concerning options for the mitigation of disproportionately high and adverse impacts that are identified from facilities and operations of the Office of Civilian Radioactive Waste Management (OCRWM):
 - ▶ Share information gained from the site characterization and civilian radioactive waste management system activities with minority and low-income community leaders and seek their input in identifying appropriate mitigation actions to address impacts that may be disproportionately high and adverse.
 - ▶ Incorporate relevant environmental justice principles and objectives into the OCRWM Strategic Plan, and in all future revisions to this Plan.

GOAL 2

ENHANCE THE CREDIBILITY AND PUBLIC TRUST OF THE DEPARTMENT BY MAKING PUBLIC PARTICIPATION A FUNDAMENTAL COMPONENT OF ALL PROGRAM OPERATIONS, PLANNING ACTIVITIES, AND DECISIONMAKING

DEPARTMENT-WIDE STRATEGIES

- ♦ **Integrate Environmental Justice principles into Secretary O'Leary's Guidance on Implementation of the Department's Public Participation Policy.**
- ♦ **Ensure that our citizens advisory groups and the Department's site-specific advisory boards reflect the communities they represent.**
- ♦ **Identify low income and minority organizations and networks with which Departmental Operations should interact. Maintain a data base of the national and community-based organizations and national organizations and networks and integrate with existing site mailing lists at Field Operations. Identify newspapers in which advertisements and other information may be used to effectively communicate with our stakeholders.**
- ♦ **During NEPA compliance activities, such as public scoping activities for the development of environmental impact statements, conduct outreach activities to minority and low-income populations and American Indian Tribes by encouraging their participation in the development of NEPA documents. As the needs of low-income and minority populations are identified to the Department by our stakeholders, the scoping process should be adapted to meet those needs.**
 - ▶ **Include affected communities and their representatives in the NEPA process via educational actions, as appropriate, in order to promote dialogue regarding issues and problems.**

- ▶ Address minority and low-income communities in the "affected environment" and "environmental consequences" section, which includes a "socio-economic impacts" sub-section of NEPA documents, to identify any disproportionately high and adverse impacts on low-income and minority populations.
- ▶ Address demographics and socioeconomic factors unique to health-related issues, multiple contamination sources, multiple exposure possibilities, unique risk scenarios, and unique use of fish and wildlife by specific communities for subsistence consumption or for religious observances, as appropriate, in the impact analyses.
- ▶ Assure effective dissemination of NEPA project information in appropriate format and in locations accessible to minority and low-income communities.
- ▶ Increase public awareness of Departmental program activities and public participation in the NEPA public scoping process by improving access to information and providing translations of pertinent public documents in languages other than English, where feasible and appropriate.
 - Utilize innovative advertising, including local public service radio and television advertisements and advertising in minority publications.
 - Provide informal workshops to bring program experts into contact with interested public entities. Tools such as video presentations, posters, handouts, and simulations would be used to effectively communicate with potentially affected stakeholders.
- ▶ Develop a workshop prototype for environmental justice issues to be used for training senior management, document preparers, staff, and public participation facilitators. Create a videotape to help bring awareness of the issue of environmental justice to Department-wide elements and operations, including contractor operations.

- ▶ As appropriate in the NEPA process, identify mitigation options for any disproportionately high and adverse human health or environmental effects with local communities. Include minority and low-income community liaisons in the development of mitigation action plans.
- ▶ Delegate lead responsibility to Departmental Field Operations for establishing effective communications and implementing the process of discussing and establishing alternative mitigation options with local stakeholders.
- ◆ **Develop models for effective public participation and planning and evaluation to facilitate the involvement of minority and low-income communities.**
 - ▶ Assess perceptions of our Departmental activities and related risks that are held by potentially affected populations in specific communities located near Departmental facilities.
 - ▶ Assess community perceptions of inequitable processes for Departmental decisionmaking regarding future programs, policies, and activities and incorporate appropriate changes into existing processes.
 - ▶ Develop information for public distribution describing, in non-technical terms, the projects and policies of specific program activities and the opportunities for participation by minority and low-income populations in decisionmaking processes for the program.
 - ▶ Continue to develop and establish mechanisms for implementing cooperative efforts with representatives of potentially affected communities, including members of State, local, and Tribal governments; to identify possible environmental pathways through which negative impacts might occur.
 - ▶ Where appropriate, structure programs to encourage local community groups to participate in Departmental decisions which may affect their communities.

- Create liaison committees in communities where no active community group(s) exist.
- Provide appropriate technical assistance to selected community groups unable to participate effectively, due to their lack of adequate resources.
- ▶ Facilitate public access to information and opportunities in communications plans for all technology development programs.
- ◆ **Implement focused educational programs to enhance meaningful dialogue with stakeholders regarding issues and problems, such as those relating to risks and priorities; support the implementation of such programs at academic institutions, including minority educational institutions; and assist the stakeholders to understand and determine such significant technical issues.**
- ◆ **Review and clarify existing Departmental Public Participation Implementation Plans and policy and guidance documents, as well as those public participation plans and documents currently under development, to ensure where appropriate, the incorporation of environmental justice principles.**
 - ▶ Discuss environmental justice principles during program reviews and program manager meetings to ensure effective integration of all significant Departmental issues and options.
- ◆ **Ensure that environmental justice is given high priority in public participation activities involving hazardous waste operations, waste recycling, pollution prevention, and waste minimization initiatives of the Department.**
- ◆ **Review public participation efforts of individual programs of the Department and identify specific areas where environmental justice issues can be addressed relative to waste operations, waste minimization, waste recycling, pollution prevention, and the treatment, storage, and disposal of hazardous, radioactive, and mixed waste.**

- ◆ Continue to utilize and develop the Pre-notification Analysis Support System spatial database to provide information about the Department's fuel and waste shipping routes, potentially affected communities to possible negative impacts, and interact with the communities to establish feasible options and solutions.

GOAL 4

IMPROVE RESEARCH AND DATA COLLECTION METHODS RELATING TO HUMAN HEALTH AND THE ENVIRONMENT OF MINORITY AND LOW-INCOME POPULATIONS BY INCORPORATING FULL CHARACTERIZATIONS OF RISKS, INCLUDING THE IDENTIFICATION OF DIFFERENTIAL PATTERNS OF SUBSISTENCE CONSUMPTION OF NATURAL RESOURCES AMONG SUCH POPULATIONS.

EXAMPLES OF DEPARTMENT STRATEGIES

- ◆ **Review current research and data collection practices of Departmental Headquarters and Field Operations offices and recommend modifications, including new data collection efforts where necessary, to identify segments of the population at high risk from environmental hazards.**
 - ▶ Utilize the NEPA documentation process to develop pertinent data collection practices for use in NEPA evaluations of human health or environmental impacts to minority communities and low-income communities.
 - ▶ Manage the Department's Worker Exposure Surveillance Program and collect, where appropriate, information on (a) specific racial/ethnic groups of workers to ensure that they are not being disproportionately exposed to hazards in the workplace; and (b) support the tracking of exposed mobile/transient workers.
 - ▶ Support the medical surveillance program through analyses of the rates and risks of disease and other adverse health outcomes among workers, to enable comparative analysis among various groups of workers.
- ◆ **Develop guidelines for implementation by all Department operations and for use in technical determinations related to:**

- ▶ The appropriate representation of diverse segments of the population in epidemiological and clinical studies.
 - ▶ Assessments of multiple and cumulative exposures that may arise from program activities and adversely affect human health.
 - ▶ The collection and analysis of information, including risk assessments, that relate to the consumption patterns of populations which rely heavily on fish and wildlife for subsistence.
 - ▶ Determination and utilization of environmentally-compatible materials, technologies, and industrial processes.
- ◆ **Reassess current criteria for the appropriate inclusion of high risk populations, such as minority and low-income populations, in the Department's health research data bases and analyses.**
- ▶ Incorporate appropriate environmental justice principles and initiatives into all grants, contracts, and cooperative agreements that pertain to determining exposure or health outcomes of populations that are potentially impacted by Department of Energy activities.
 - ▶ Include appropriate environmental justice principles and initiatives in interagency agreements with the Department of Health and Human Services for conducting human health studies.
 - ▶ Include environmental justice principles, where appropriate, in the research agenda for Department-sponsored studies of current and former Department workers and host communities.
 - ▶ Encourage the Office of Energy Research to search for and capitalize on specific opportunities to extend the relevance of their basic research by pursuing the appropriate aspects of specific research efforts that may have particular implications for minority and low-income populations.

- ▶ Encourage research emphasis on exposure to low concentrations of particular hazards in Energy Research activities to identify effects on individuals who have been exposed to low amounts of radiation or chemicals.
- ▶ Pursue energy research activities aimed at developing or identifying biomarkers or susceptibility genes. The results of this research could be used to screen current and former workers and identify individuals, living near the Department's facilities, who may be susceptible to particular effects of chemicals or radiation. In many cases, minorities living near the facilities will benefit from this research effort.
- ◆ **Utilize existing information and generate new information data banks to facilitate identification of programs, policies, processes, and facilities that potentially have a disproportionately high and adverse impact on human health and the environment, especially of minority populations and low-income populations.**
 - ▶ Use existing data systems for Department of Energy sites and activities to obtain access to compliance and health environmental audit data. Data bases such as the Department of Energy Facilities Profile Information Management System, the Department's Environmental Spatial Analysis Tool, the Landview II from EPA/Census/NOAA or similar Geographic Information System tools which are or may become available, the Pre-notification Analysis Support System (PASS), and the Department's Populations at Risk to Environmental Pollutants data base will be employed, in addition to other relevant health research data bases from National health facilities for access to compliance and health/environmental audit data.
 - Utilize data from the Safety Performance Measurement System, Worker Exposure Surveillance data, and the Department's Exposure Tracking and Analysis Program to identify environmental justice concerns.

- ◆ **Structure risk management strategies to assess, minimize, and manage risks for specific program actions.**
 - ▶ Review the Environmental Management methodology for determining high risk populations as part of the Comprehensive Environmental Response, Compensation, and Liability Act baseline risk assessments and communicate those risks to the affected public.
 - ▶ Evaluate whether the risk calculations developed in support of individual programs' site characterizations and transportation and storage activities adequately reflect any differential patterns of fish and wildlife consumption among the populations believed to be potentially affected by increased levels of environmental risks.
- ◆ **Develop a risk communication prototype program to address the severity of the problems associated with consuming contaminated fish and wildlife by some ethnic populations:**
 - ▶ Collaborate with national health science agencies to share data and other information pertaining to subsistence consumption of fish by low-income and minority communities affected by the Department's programs and activities. The information should include:
 - fish consumption levels and toxicant levels;
 - characterization of the population at highest risk.
 - involvement of the impacted communities in the program.
 - ▶ Increase public awareness of the health implications of chemical contaminants which create health problems for subsistence consumers of fish and wildlife by low-income and minority communities affected by the Department's programs and activities:
 - focus on threats to Native Americans, Alaskan Natives, and other ethnic populations;

- emphasize the need for increased awareness among members of the community and Tribal governments at reservations that are being used for the disposal of hazardous wastes (e.g., nuclear waste, solid waste, and industrial sludge).
- ▶ Encourage interagency (Federal, State, Tribal, and local governments) to collaborate in the relevant states and local communities to define specific issues and attempt to solve this nationwide problem of the contamination of fish and wildlife for certain ethnic populations.

GOAL 4

FURTHER DEPARTMENTAL LEADERSHIP BY INTEGRATING ENVIRONMENTAL JUSTICE CRITERIA, AS APPROPRIATE, WITH ACTIVITIES AND PROCESSES RELATED TO HUMAN HEALTH AND THE ENVIRONMENT.

DEPARTMENT-WIDE STRATEGIES

- ◆ **Prioritize the planning, monitoring, and evaluation of the Department's sites, facilities, and other activities in order to integrate environmental justice provisions into their decisionmaking.**
- ◆ **Require each Headquarters and Field Operations Office to establish criteria and evaluation procedures to reduce risks and imminent threats which have resulted from the Department's operations at our facilities and other actions and decisions that may have disproportionately high and adverse impact on human health or the environment of minority communities and low-income communities.**
- ◆ **Incorporate relevant environmental justice principles and initiatives into the Department's Mission Statement and Strategic Plan, and also into the individual strategic plans of individual components of the Department.**
- ◆ **Where appropriate, establish specific performance criteria to evaluate progress toward achieving environmental justice goals:**
 - ▶ **Monitor efforts of the Department's staff to reduce disproportionately high and adverse human health or environmental effects on minority populations and low-income populations.**
 - ▶ **Determine procedures and guidelines for evaluating progress towards achieving environmental justice goals and establish the degree of frequency for such evaluations.**

- Establish appropriate metrics and performance measures for tracking progress towards environmental justice goals and objectives.
- ◆ **Develop guidelines for the collection and analysis of information about the potential impacts to minority and low-income communities that may result from site characterization and civilian radioactive waste management system activities. This should include the collection of information concerning potential air and water pollution in minority and low-income communities that surround the Office of Civilian Radioactive Waste Management's facilities and sites.**
- ◆ **Establish specific criteria for the selection of energy technology-related demonstration projects for effective implementation of environmental justice strategies in selected communities.**
- ◆ **Involve additional academic institutions, including minority educational and research institutions, in the structuring, development, and implementation of environmental justice strategies in Departmental Operations.**
- ◆ **Develop criteria for measuring the progress of each Assistant Secretary, Program Director, and Operations Office Manager in developing and implementing environmental justice strategies, where appropriate, in activities for which they have responsibility and accountability.**
- ◆ **Designate an Environmental Justice point of contact at each Field and Operations Office and outline their specific coordination responsibilities during the implementation phase of this strategy.**
- ◆ **Review and revise, as necessary, performance standards for relevant Operations Office and Field Managers to ensure that environmental justice issues are addressed appropriately in their planning and management activities.**
 - Develop performance standards and quality metrics for measuring the performance for managers of Departmental components.

- ▶ Require Headquarters and Field components to assure that performance standards of their relevant staffs also reflect efforts to address environmental justice issues, as appropriate.
- ◆ **Establish an integrated approach for identifying, tracking, and monitoring environmental justice activities across the Department. Individual Departmental components should include environmental justice principles as a criterion in:**
 - ▶ Multi-disciplinary inspections of environment, safety, and health programs,
 - ▶ Contractor award fee evaluations,
 - ▶ Assessments of emergency response processes.
- ◆ **Design and implement a specific action plan for the Department to enhance the sensitivity of our managers and decisionmakers to the goals of environmental justice across all major program and policy elements.**